

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22ND DAY OF JUNE, 2009 AT 3:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	L. Carol Edmonds	-Interim County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Personnel – County Administrator’s Position

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Doug Marrs	None	Mary W. Biggs
James D. Politis		
William H. Brown		
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
John A. Muffo
Doug Marrs
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

RECESS

The Board took a recess at 5:15 p.m. to hold a Press Conference at 5:30 p.m. The Board reconvened at 6:00 p.m. for their Regularly Scheduled Meeting.

INTO CLOSED MEETING (6:00 p.m.)

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- | | | |
|------------------|-----|---|
| Section 2.2-3711 | (3) | Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body |
|------------------|-----|---|

1. Blacksburg Technology Manufacturing Building

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Adjustment and Appeals Board
2. BZA
3. Library Board
4. MBC Development Corporation
5. Social Services Board
6. Personnel

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
William H. Brown
James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Annette S. Perkins

NAY

None

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

William H. Brown
James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
Annette S. Perkins

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ANNOUNCEMENT – APPOINTMENT OF NEW COUNTY ADMINISTRATOR

Chair Perkins announced the appointment of F. Craig Meadows as the new Montgomery County Administrator effective August 1, 2009. Mr. Meadows has extensive financial experience and a record of teamwork and community involvement. Mr. Meadows served as City Manager of Bedford, Va from 1998 – 2005 and City Manager of Monroe, NC from 2005-2009. He is currently serving as Interim Town Manager of Red Springs, NC. Chair Perkins stated that the Board of Supervisors is looking forward to working with Mr. Meadows.

Mr. Meadows was present and at this time thanked the Board of Supervisors for the opportunity to serve Montgomery County.

INVOCATION

A moment of silence was lead by Chair Perkins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Rezoning & Special Use Permit – S&P of Virginia – CONTINUED

A request by S&P of Virginia, LLC (Agent: Balzer & Associates) for rezoning of approximately 21.13 acres from Agriculture (A1) to General Business (GB) and 14.19 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow various commercial uses and single family residential dwellings. In addition, a special use permit is requested in the General Business (GB) district to allow a convenience store with motor fuel sales. The property is located on the Southwest corner of the I-81. Exit 109 and Tyler Road (Rte. 600) intersection, 2735 Tyler Road, identified as Tax Parcel No(s). 104-A-32, 32A, 33 and 104-7-A, (Acct Nos. 018647, 011957, 019186, 023358), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and further designated as Planned Commercial and Planned Unit Residential in the Route 177 Corridor Plan with a maximum density of four (4) dwelling units per acre.

At their June 10, 2009 meeting, the Planning Commission tabled the request in order for the applicant to adequately address staff concerns in the following areas:

- 1. transportation/access including roundabout design**
- 2. water/sewer capacity issues**
- 3. quality of construction**
- 4. pedestrian connectivity**

Therefore, this public hearing is continued.

Chair Perkins explained that since the public hearing was advertised and scheduled to take place tonight anyone who was present to speak on this matter, was invited to address the Baord.

Steve Semones, agent for the applicant, explained they are working through issues that were raised by the Planning staff and will have a full presentation on the request at a future meeting.

Mike Day expressed concerns with connecting Bains Chapel Road to Tyler Road via a connector road constructed in the new development and asked if the existing road is to be upgraded by the County. He is also concerned about increased traffic. Mr. Day also expressed concerns with the type of homes that will be allowed to be constructed in the R-3 zoning district.

Steve Sandy, Planning Director, explained that R-3 zoning allows single family homes and duplexes. No single-wide trailers are allowed. Mr. Sandy also reported that the applicant is working with the Virginia Department of Transportation on the connector road issue.

The Interim County Administrator stated a work session is scheduled for the July 13, 2009 Board meeting to provide an overview of the three rezoning requests in the 177 Corridor.

There being no further speakers, the public hearing was continued.

Rezoning Request – Bedford Falls Company

A request by Bedford Falls Company for rezoning of approximately 0.923 acres from General Business (GB) to Residential (R3), with possible proffered conditions. The property is located at 1517 Fire Tower Road (Rte. 600), identified as Tax Parcel No(s). 90-A-29A, (Acct No. 020005), in the Riner Magisterial District. The property currently lies in an area designated as Medium Density Residential & Civic in the Plum Creek Village Plan in the Comprehensive Plan with a maximum density of two (2) dwelling units per acre.

Dari Jenkins, Zoning Administrator, provided an overview of the rezoning request. The applicant wishes to rezone .923 acres from General Business to Residential (R-3). There is a single family dwelling on the property, which is not a use permitted by right or by special use permit in general business. The applicant has been trying unsuccessfully, to sell the property and house, because the house is a nonconforming structure in general business. It is the applicant's desire to continue the use of the property as a residential parcel with a single family dwelling in the Residential (R-3) zoning district.

At their June 10, 2009 meeting, the Planning Commission recommended approval of this request. There were no proffered conditions with this request.

Supervisor Creed asked if there was a less density zoning more suitable than R-3, for this property. Under R-3 zoning, the owner could place 3-4 mobile homes on the lot. Ms. Jenkins replied that due to the topography of the property and how the property lays in the flood zone, it would not be suitable for any more dwellings.

Chair Perkins opened the public hearing.

There being no speakers, the public hearing was closed.

RECESS

The Board took a ten minute recess at 7:40 p.m. and reconvened at 7:50 p.m.

Public Hearings continued:

Ordinance Amendment – Chapter 10, Section 10-41(2), Accessory Dwellings

An Ordinance amending Chapter 10 entitled Zoning, Section 10-41(2), Accessory Dwellings of the Code of the County of Montgomery, Virginia by amending when accessory dwellings are permitted structures in the Agricultural (A-1) and Conservation (C-1) zoning districts.

Dari Jenkins, Zoning Administrator, summarized the amendment. The Board of Supervisors received a letter from a citizen requesting the Board to consider allowing them to construct an accessory dwelling attached to the principal dwelling. The Board of Supervisors referred this request to the Planning Commission for review. The Planning staff reviewed the ordinance and recommended the following changes:

- (a) In the A-1 Agricultural District and the C-1 Conservation District, accessory dwellings which are a detached structure not within the same structure as the principal dwelling are permitted provided that:
 - 1. ~~No~~ The accessory dwelling shall be located on a parcel ~~of~~ not less than five (5) acres. For parcels with more than one (1) accessory dwelling, not more than one (1) additional accessory dwelling unit is permitted per each twenty (20) acres on any single parcel, in addition to the principal dwelling. Accessory dwellings shall not ~~may~~ include duplex unit types.
 - 2. ~~No~~ The accessory dwelling shall not exceed two thousand (2,000) square feet in floor area, except that dwellings exceeding that floor area constructed prior to adoption of this chapter may be used for tenant purposes, but may not be expanded for such purposes.
 - 3. The accessory dwelling may be permitted to have its own electrical service meter if the structure meets the dwelling unit separation requirements of the Virginia Uniform Statewide Building Code.
- (b) In the A-1 Agricultural District and the C-1 Conservation District, accessory dwellings which are within the same structure as the principal dwelling are permitted provided that:
 - 1. The accessory dwelling and principal dwelling shall be located on a parcel not less than two (2) acres.

2. The accessory dwelling shall not exceed two thousand (2,000) square feet in floor area, but may contain all aspects of a separate dwelling unit including kitchen, bathroom, and bedroom facilities.
3. No accessory dwelling shall be established without prior written approval from the Virginia Department of Health as to the location and area for both the original and reserve drain fields and that the drain fields are adequate to serve both the main dwelling and the accessory dwelling.
4. No accessory dwelling shall be established without first obtaining a building permit to ensure compliance with building code requirements.
5. Not more than one (1) accessory dwelling shall be permitted within any single family principal dwelling and the accessory dwelling shall not have its own electrical service meter.

At their June 10, 2009 meeting, the Planning Commission recommended approval of the request to amend the ordinance.

The Chair opened the public hearing for comments.

There being no speakers, the public hearing was closed.

Ordinance Amendment – Chapter 10, Section 10-38, Airport Safety Overlay District

An Ordinance amending Chapter 10 entitled Zoning, Section 10-38, Airport Safety Overlay District (ASO) of the Code of the County of Montgomery, VA by incorporating a map and terms defining the Airport Overlay Boundaries and by creating a notification area whereby the airport will be notified of proposed construction within the notification area.

Dari Jenkins, Zoning Administrator, summarized the amendment. In order to comply with FAA requirements, several changes to the airport safety overlay ordinance are proposed by incorporating a map and terms defining the Airport Overlay Boundaries and by creating a notification area whereby the airport will be notified of proposed construction within the notification area. Ms. Jenkins reported that Michael St. Jean, Executive Director Virginia Tech/ Montgomery Regional Airport Authority, was given the opportunity to review and make comments on the proposed changes. Also, Dan McKinney, Campbell Paris Engineers, prepared the Airport Overlay Notification Area Map.

At their June 10, 2009 meeting, the Planning Commission recommended approval of the proposed revisions.

The Chair opened the public hearing.

Michal St. Jean, Executive Director Virginia Tech/ Montgomery Regional Airport Authority, commented on the proposed changes and provided information on the Airport's master plan, which was updated in 2008. If development is proposed within the notification area, the FAA and Department of Aviation are given the opportunity to review the proposal and issue any comments regarding the impact of the development on the airport and its airspace.

There being no further speakers, the public hearing was closed.

Ordinance Amendment – Chapter 10, Section 10-37, Flood Damage Prevention Overlay

An Ordinance amending Chapter 10 entitled Zoning, Sections 10-37, Flood Damage Prevention Overlay, of the Code of the County of Montgomery, VA by amending the flood damage prevention overlay by incorporating the new flood insurance study and flood insurance rate map for Montgomery County and by amending the qualifying regulated lands and the use limitations within those regulated lands and by adding a section of defined terms in the Flood Damage Prevention Overlay.

Dari Jenkins, Zoning Administrator, summarized the ordinance amendment. Ms. Jenkins stated the ordinance revisions are necessary to meet FEMA requirements prior to the adoption of the new floodplain mapping and the County needs to incorporate these changes.

At their June 10, 2009 meeting, the Planning Commission recommended approval of the proposed revisions.

The Chair opened the public hearing.

There being no speakers, the public hearing was closed.

Ordinance Amendment – Planning and Zoning Fee Schedule

An Ordinance amending the Montgomery County, VA Planning and Zoning Fee Schedule to increase application and review fees approximately 25% for rezoning, special use permits, subdivisions, site plans, variances, comprehensive plan amendments and other similar land use related applications; add a new fee for family subdivision review and zoning permits; and require applicants to pay fees associated with all newspaper notifications.

Steve Sandy, Planning Director, summarized the proposed ordinance amendment explaining that the increase to planning and zoning fees are necessary to increase revenue to help offset the cost related to zoning and special use permit requests. They are proposing a 25% increase for rezoning, special use permits, subdivisions, site plans, variances, comprehensive plan amendments and other similar land use related applications; add a new fee for family subdivision review and zoning permits; and require applicants to pay fees associated with all newspaper notifications.

The Chair opened the public hearing.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Tom Roberts, Roberts Engineering, addressed the Board regarding the village concept in the County's Comprehensive Plan. Mr. Roberts stated that the Comprehensive Plan outlines the County's desire to have a reduction in speed limit on roadways within all the village areas. Mr. Roberts indicated that there are some roadways located in the village areas that still maintain a 55 mph speed limit. He expressed concern with the upcoming revisions to the VDOT street requirements effective October 1, 2009 and how they will affect the County's intentions for the village concept. He requested that the Board adopt a resolution requesting VDOT to reduce the speed limit in the Village areas. Mr. Roberts stated a rezoning request will be coming before the Board in the future, which will require a reduction in the speed limit on the major arterial road before an ingress/egress will be permitted.

The Planning Director commented that in the County's Comprehensive Plan it does recommend a 35 mph speed limit in the Villages of Belview, Prices Fork and Riner. He stated he does not know if they can accomplish this as VDOT controls the speed limit. The Board in the past has requested VDOT to conduct a speed study in order to reduce the speed limit on Route 114 in the Belview Village area. It is his understanding that VDOT determined that the reduction in the speed limit was not feasible at this time.

Supervisor Creed also commented that the speed limit in the Elliston/Lafayette Village is 45 mph. He believes with the construction of the new elementary school the speed limit should be lowered along US 460/Rt 11 in Elliston as there will be two schools in this area.

The Board directed staff to look into this request.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated June 22, 2009 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Annette S. Perkins	

Appropriations and Transfers

A-FY-09-115
SHERIFF
RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

320	Sheriff – County	\$12,331
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$12,331
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Said resolution appropriates recovered costs for use by the Sheriff's department.

A-FY-09-116
CHAMBER OF COMMERCE
TRANSIENT OCCUPANCY TAX

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

910	Montgomery County Chamber of Commerce	\$286
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02-412902	Transient Occupancy Tax	\$286
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Said resolution appropriates funds received from the increased 1% of transient occupancy tax. These funds will be remitted to the Montgomery County Chamber of Commerce for tourism.

A-FY-09-117

CLERK OF CIRCUIT COURT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

250 Clerk of Circuit Court	\$1,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
2250-423100	\$1,000

Said resolution appropriates funds to cover the cost for a technology upgrade on a laptop in the Clerk of Circuit Court's Office. The funds will be reimbursed by the Compensation Board.

A-FY-09-118 SCHOOL NUTRITION FUND SUPPLEMENTAL APPROPRIATION FOR YEAR END CLOSE OUT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

11	School Nutrition Fund Administration	\$225,000
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>		
451204	School Nutrition Fund Balance	\$225,000

Said resolution appropriates additional funds for the school nutrition program to close out the year.

A-FY-09-119
TRANSFER TO SCHOOL CAPITAL PROJECTS
LAND FOR PRICE'S FORK ELEMENTARY SCHOOL

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

451201	Transfer to School Capital Projects	\$726,901
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205	Undesignated Fund Balance	\$726,901
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BE IT FURTHER RESOLVED, That the County Capital Projects Fund was granted a transfer of appropriation for the function and in the amount as follows:

TO:

451201	Transfer to School Capital Projects	\$296,599
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FROM:

400	County Land	(\$296,599)
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BE IT FURTHER RESOLVED, That the School Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

6616	Price's Fork Elementary School	\$1,023,500
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The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

451100	Transfer from General Fund	\$ 726,901
451107	Transfer from County Capital Projects	<u>\$ 296,599</u>
	Total	\$1,023,500

Said resolution appropriates and transfers funds from the General Fund and the County Capital Projects fund to the School Capital Projects fund to cover the cost of land for the Price's Fork Elementary School.

R-FY-09-175

**NEW RIVER COMMUNITY COLLEGE BOARD
APPOINTMENT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Barbara Ann Straub** to the **New River Community College Board** effective July 1, 2009 and expiring June 30, 2013.

**R-FY-09-176
NEW RIVER VALLEY AIRPORT COMMISSION
APPOINTMENT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Brian Hamilton** to the **New River Valley Airport Commission** effective June 23, 2009.

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

Said appointment fills the vacancy left by Bob Isner, resigned.

OLD BUSINESS

**ORD-FY-09- 16
AN ORDINANCE AMENDING CHAPTER 1 ENTITLED GENERAL PROVISIONS
SECTION 1-6 OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA
BY CLARIFYING THAT THE COURTHOUSE SECURITY FEE ASSESSED
AS ADDITIONAL COSTS IN CRIMINAL OR TRAFFIC CASES
SHALL APPLY TO JUVENILE DOMESTIC RELATIONS DISTRICT COURT AND
THAT THE PROCESSING FEE SHALL BE ORDERED AS PART OF COURT COSTS
WHEN AN INDIVIDUAL IS ADMITTED TO THE REGIONAL JAIL**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 1 entitled General Provisions, Section 1-6 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 1-6. Classification of and penalties for violations; continuing violations.

- (a) Whenever in this Code or any other ordinance of the county, or any rules or regulations promulgated by any officer or agency of the county, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as provided in Code of Virginia, section 18.2-11.
- (b) Whenever in any provision of this Code or in any other ordinance of the county, or any rule or regulation promulgated by an officer or agency of the county, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a class 1 misdemeanor.
- (c) Notwithstanding any other provision of this section or any other section of this Code or any ordinance, rule or regulation, no penalty for the violation of this Code or other ordinance, rule or regulation of the county shall exceed that prescribed by state law for a like offense.
- (d) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.
- (e) The board of supervisors may bring suit in the circuit court to restrain, enjoin or otherwise prevent a violation of this Code.
- (f) Pursuant to section 17.1-281 of the Code of Virginia, 1950, as amended, that a fee of two dollars (\$2.00) is hereby assessed as additional costs in each civil, criminal or traffic case in general district court, juvenile domestic relations court, and circuit court, the proceeds of this assessment shall be used for the construction, renovation or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.
- (g) Pursuant to section 53.1-120 of the Virginia Code, 1950, as amended, a fee of ten dollars (\$10.00) is hereby assessed as additional costs in each criminal or traffic case in the general and juvenile and domestic relations district courts and in circuit court in which the defendant is convicted of a violation of any statute or ordinance. This assessment shall be collected by the clerk of court in which the case is heard, and remitted to the Montgomery County Treasurer. The board of supervisors shall appropriate these fees to the Montgomery County Sheriff's Office for the funding of courthouse security personnel.
- (h) Pursuant to section 15.2-1613.1 of the Virginia Code, 1950, as amended, a processing fee of twenty-five dollars (\$25.00) is hereby assessed on any individual admitted to the Montgomery County Jail or the regional jail following conviction. This processing fee shall be ordered as a part of court costs collected by the clerk ~~of the appropriate court~~ of court in which the case is

heard and deposited into the account of the Montgomery County Treasurer. The board of supervisors shall appropriate this processing fee to the Montgomery County Sheriff's Office to defray the costs of processing arrested persons into the Montgomery County Jail or the regional jail.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Mary W. Biggs	
Annette S. Perkins	

NEW BUSINESS

R-FY-09-177
A RESOLUTION APPROVING THE
REAL ESTATE SALES AGREEMENT BETWEEN
BROADVIEW WATER WORKS, LLC AND
THE COUNTY OF MONTGOMERY, VIRGINIA

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Real Estate Sales Agreement by and between Broadview Water Works, LLC and the County of Montgomery, Virginia for the purchase of 5.656 acres in the Town of Christiansburg adjacent to the Montgomery County Government Center.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby authorizes Annette S. Perkins, Chair, to sign the Real Estate Sales Agreement and all other documents required to acquire the Property on behalf of the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None

Gary D. Creed
William H. Brown
James D. Politis
Mary W. Biggs
Doug Marrs
Annette S. Perkins

R-FY-09-178
MONTGOMERY-FLOYD REGIONAL
LIBRARY BOARD – ROBERT E. BENOIT

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, Robert E. Benoit has served the citizens of Montgomery County as a member of the Montgomery-Floyd Regional Library Board from July 1, 2001 through June 30, 2009; and

WHEREAS, Robert E. Benoit served as treasurer in 2003-2004 and as chair of the Montgomery-Floyd Regional Library Board during the last year; and

WHEREAS, Robert E. Benoit has played a vital role in supporting the quality of life in our community through his work on the Montgomery-Floyd Regional Library Board; and

WHEREAS, The Board of Supervisors recognizes the hard work, dedication, experience and leadership ***Robert E. Benoit*** has demonstrated in his eight years of service on the Montgomery-Floyd Regional Library Board.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, expresses its appreciation and gratitude to ***Robert E. Benoit*** for his outstanding dedication to the community and the citizens of Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Robert E. Benoit*** as a testimonial of the high esteem and appreciation in which he is regarded by the members of the Board of Supervisors and that a copy be made a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None

William H. Brown
James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Annette S. Perkins

R-FY-09-179
MONTGOMERY-FLOYD REGIONAL
LIBRARY BOARD - DAVID L. COLLINS

On a motion by Mary W. Biggs, seconded by James D. Poltis and carried unanimously,

WHEREAS, David L. Collins has served the citizens of Montgomery County as a member of the Montgomery-Floyd Regional Library Board from July 24, 2001 through June 30, 2009; and

WHEREAS, David L. Collins served as secretary of the Montgomery-Floyd Regional Library Board during the last year; and

WHEREAS, David L. Collins has played a vital role in supporting the quality of life in our community through his work on the Montgomery-Floyd Regional Library Board; and

WHEREAS, The Board of Supervisors recognizes the hard work, dedication, experience and leadership **David L. Collins** has demonstrated in his eight years of service on the Montgomery-Floyd Regional Library Board.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, expresses its appreciation and gratitude to **David L. Collins** for his outstanding dedication to the community and the citizens of Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **David L. Collins** as a testimonial of the high esteem and appreciation in which he is regarded by the members of the Board of Supervisors and that a copy be made a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None

James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
Annette S. Perkins

R-FY-09-180
NEW RIVER COMMUNITY COLLEGE BOARD
JAMES F. JOHNSON

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, *James F. Johnson* has faithfully served as a member of the New River Community College Board from July 1, 2001 through June 30, 2009; and

WHEREAS, *James F. Johnson* served as Vice Chair from July 1, 2005 through June 30, 2007; and

WHEREAS, As Vice Chair *James F. Johnson* was a member of the Personnel Committee from July 1, 2005 through June 30, 2007; and

WHEREAS, The Board of Supervisors of Montgomery County recognizes the impartial and dedicated service that ***James F. Johnson*** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***James F. Johnson*** for his outstanding dedication to the community and to the citizens of Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***James F. Johnson*** as a testimonial of the high esteem and appreciation in which he is regarded by the members of the Board of Supervisors and that a copy be made a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None

Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

INTO WORK SESSION

On an motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Industrial Development Authority Name Change
2. Tourism Program

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Annette S. Perkins	

Industrial Development Authority Name Change

Brian Hamilton, Economic Development Director, made a presentation on changing the name of the Industrial Development Authority to the Economic Development Authority. The Industrial Development Authority (IDA) passed a resolution on April 21, 2009 requesting the Board of Supervisors consider changing the name of the Authority to the Economic Development Authority (EDA). The IDA finds that the EDA more accurately reflects its current purpose and role in fostering and promoting economic development in Montgomery County.

Section 15.2-4903 of the Code of Virginia authorizes the governing body of any locality within the Commonwealth to create an Industrial Development Authority. Paragraph B states the name of the authority may be the Economic Development Authority if the governing body so chooses. Several reasons to change the name are as follows:

- Public has a negative perception of the word “Industrial”
 - o Invokes images of smoke stacks and environmental hazards

- More resident support for high tech development than industrial development
- Industrial inaccurately portrays the IDA's mission in today's economy
 - Old Economy, built on manufacturing base geared toward mass production
 - New Economy, the key to success and prosperity is the extent to which technology can be utilized, quality can be provided, and ideas and innovation can be embedded in all sectors of the economy.
 - From 2005-2007, the professional, scientific, and technical services sector grew by 5% or 524 jobs.
 - Virginia Tech Corporate Research Center is the home to over 140 private high-tech firms and research center which collectively employ over 2,000 people.

Mr. Hamilton stated that EDA's are a growing trend in Virginia with fourteen localities changing the name of their IDA to EDA such as, City of Roanoke and Roanoke County. Also, the name change will not affect the IDA's powers of authority.

If the Board of Supervisors decides to proceed with changing the name of the IDA an ordinance change is required. A public hearing will need to be scheduled on the proposed ordinance change.

The County Attorney reported that a resolution to schedule the public hearing will be on the Board's July 13, 2009 agenda.

Tourism Program

The Interim County Administrator reported that Montgomery County, along with the Towns of Christiansburg and Blacksburg, entered into a Tourism and Marketing Services Agreement with the Montgomery County Chamber of Commerce to provide the Chamber 1% of the lodging tax for tourism promotion. The agreement also established the Tourism Development Council (TDC) to provide oversight for the agreement. The council is comprised of a representative from the County and a representative from each Town, three representatives of the lodging industry and one representative from the tourism related business.

During FY 08, the County's share of the 1% of the lodging tax totaled \$12,924, and in FY 09 the 1% totaled \$11,505. The County's representative on the TDC has been Mitchell Haugh, Director of Parks and Recreation.

Recently, the Towns of Blacksburg and Christiansburg decided to appoint council members as their representatives on the TDC. Christiansburg's representative is Henry Showalter and Blacksburg's representative is Don Langrehr.

In addition, the Town of Christiansburg decided to reserve 15% of the 1% lodging tax revenue for specific tourism promotions of the Town. Blacksburg is also considering the same process. To make changes to the agreement requires written notice to be provided to the Chamber 180 days prior to the change.

The Interim County Administrator asked that the Board consider the following actions: 1) Appoint an elected official to the TDC; and 2) Reserve 15% of the 1% lodging revenue for specific County tourism promotions (@\$1,900) and 3) provide written notice to the Chamber.

Chair Perkins commented that this issue was discussed during the County/Town Liaison meetings. She asked Board members if they support the towns' decision to appoint council members as their representatives on the TDC and make it equitable by appointing a Board member to the TDC.

By consensus, the Board of Supervisors agreed that, to be consistent with the two Towns, a Board of Supervisors member be appointed to the TDC.

OUT OF WORK SESSION

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Mary W. Biggs	
Annette S. Perkins	

COUNTY ATTORNEY'S REPORT

The County Attorney recommended to the Board of Supervisors the approval of the new County Administrator's employment contract effective August 1, 2009.

R-FY-09-181 RESOLUTION APPROVING THE EMPLOYMENT CONTRACT FOR THE COUNTY ADMINISTRATOR'S POSITION

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Employment Contract between Montgomery County and F. Craig Meadows, appointing F. Craig Meadows the new County Administrator, effective August 1, 2009.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes Annette S. Perkins, Chair to the Board of Supervisors, to sign the Employment Contract on behalf of the County of Montgomery.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

BOARD MEMBERS' REPORT

Supervisor Biggs – attended the School Board meeting. Discussions included the School Board's expectation of a 2011 completion date for the new Prices Fork Elementary School. Their search for a new superintendent was also discussed.

Library Board Meeting – Election of Officers was held and Michael Hemphill was elected Chair, Ann-Margaret Shortt, Vice-Chair; and Karen Drake-Secretary.

The Library's Broadband Committee met to begin looking at options and potential partnerships to increase the broadband speed for the libraries.

Supervisor Muffo recommended that Supervisor Politis be appointed as the County's representative on the Tourism Development Council, replacing Mitchell Haugh.

R-FY-09-182

TOURISM DEVELOPMENT COUNCIL APPOINTMENT

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **James D. Politis**, replacing Mitchell Haugh, to the **Tourism Development Council** effective June 23, 2009 and expiring December 31, 2009.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

Said resolution appoints a Board of Supervisors member to the Tourism Development Council.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

Board Member Reports Continued

Supervisor Politis asked the County Attorney to review the current Tourism and Marketing Services Agreement with the Montgomery County Chamber of Commerce and draft a resolution for proposed changes to the agreement.

Supervisor Perkins recognized Lerone Graham, Roanoke Times Reporter, who has covered the Montgomery County Board of Supervisors meetings the past several years. He has been transferred to the Roanoke area to cover the police beat. Supervisor Perkins commended him on an outstanding job while in Montgomery County and wished him well in the future.

Supervisor Perkins introduced Sharla Bardin from the Roanoke Times, as the new reporter covering the Board of Supervisors meetings.

ADJOURNMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, July 13, 2009 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

The meeting adjourned at 9:05 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	L. Carol Edmonds
Chair, Board of Supervisors	Interim County Administrator